

Town of Millville Comprehensive Plan Amendment

July 20, 2004

The Town of Millville adopted its comprehensive plan in October 2003, and it was subsequently certified by the State of Delaware. The plan acknowledged that the Town was in the midst of a rapidly growing area, but at the time, the Town had some administrative issues to address before it could be a full participant in accepting that growth. Beginning with the development of its comprehensive plan, and in actions since its adoption, the Town has been gearing up to prepare itself for growth. To that end, the Town has adopted a subdivision ordinance and hired a town manager. The Town manager and elected officials are coordinating closely with Sussex County on issues surrounding sewer, and also with the neighboring Town of Ocean View on development issues relevant to both towns.

The 2003 comprehensive plan identified an area of concern, with the acknowledgement that annexation may be appropriate in this area when the town is prepared to manage the related growth. The plan indicated that a plan amendment with a more detailed annexation plan would be completed when the town is ready for annexation.

The comprehensive plan amendment affects two sections of the Comprehensive Plan: *Future Land Use and Annexations* and *Provision of Utilities, Community Facilities and Services, and Transportation (Wastewater Infrastructure subsection)**. This addendum serves as the amendment to the plan, effectively updating those sections of the text and the accompanying Map 7: Area of Concern. Map 7a is the updated map showing the annexation area and the anticipated future land uses in this annexation area.

C. Future Land Use and Annexations

Future Land Use

Map 5 shows the future land use in Millville, which generally depicts a continuation of existing land use policy. Future commercial uses lie primarily along Route 26, which is consistent with current land uses in town and with the land uses and zoning in the neighboring town of Ocean View. Residential areas surround these commercial uses, further away from the Route 26 corridor. Single family homes on modest to large lots were identified as the most appealing housing types during the public participation process. Townhouses and communities with a mix of residential styles were seen as acceptable.

* For information on community facilities and services other than wastewater, see the *Town of Millville Municipal Development Strategy*, October 2003.

Development of Adjacent Areas

The Town of Millville is located in the midst of very rapidly developing coastal Sussex County. The Town is adjacent to the Town of Ocean View, which has been rapidly growing in recent years. There are also numerous development projects north of Town in Sussex County. The Town of Millville and areas to the north are located within Sussex County's Millville and Holts Landing sewer areas, part of the Bethany Beach Sewer District. The area south and southwest of town are part of the Beaver Dam sewer area. In this area, developers of several priority projects will be responsible for building the sewer infrastructure to the South Coastal Treatment Plant. The County is in the process of a South Coastal Area Planning Study (SCAPS), which will plan for sewerage the entire Environmentally Sensitive Development Area defined in the Sussex County Comprehensive Plan.

The Sussex County Comprehensive Plan, adopted in December 2002, identifies the area surrounding Millville as part of the Environmentally Sensitive Developing Area. The area is also identified as such in the State Strategies for Policies and Spending document approved by the Cabinet Committee on State Planning Issues. (See Map 6: State Strategies) The State and County envision this area to have a balance between resource protection and sustainable growth. In implementing its comprehensive plan, Sussex County has adopted an ordinance for the Environmentally Sensitive Developing Area that requires that developers show the impact of their projects on the environmental quality of the area. The Strategies for State Policies and Spending are currently being updated, with approval expected in summer 2004. The current draft of the map shows the area around Millville as Levels 2 and 3, Level 2 where the State encourages growth, and Level 3 where the State supports properly phased growth that is sensitive to the context of its natural and agricultural surroundings.

Much of the land surrounding Millville that is under the County's jurisdiction is zoned AR-1, or agricultural residential. This zoning allows residential development on 20,000-square-foot lots when on central sewer, with an option of clustering to 7,500-square foot lots. Immediately west of the Town boundary, to the intersection of Routes 17 and 26, the land has commercial zoning in Sussex County. North of Millville there are several areas that have medium residential and general residential zoning.

The Town of Millville recognizes its position within such a rapidly growing area, and the Town has expressed interest in working to shape this growth so as to minimize potential impacts on the Town and incorporate new development into the character of the Town. In order to help shape this growth, the Town will need to coordinate with Sussex County and the Town of Ocean View on land use decisions.

The Town of Millville is concerned about the rapid growth and annexation happening in the Town of Ocean View. The Town does not want to be "swallowed up" or surrounded by Ocean View. Currently, Millville shares its eastern boundary with Ocean View, and recent growth has brought Ocean View to areas south of Millville. The Town of Millville would like to work with Ocean View to ensure that its current boundary does not extend any further west than its current

limits. In March 2004, the towns signed a memorandum of understanding state how the two jurisdictions will coordinate on issues of development and annexation in areas of common interest to both towns.

Map 7a shows an annexation area drawn around the Town of Millville. Within this area the Town would like to have influence over how development occurs. The eastern boundary of this area, to the south of the town, shares the Town of Ocean View's western boundary, south to Beaver Dam Road. The area is bound on the west by Route 17, and includes land north of Town.

In this area, the Town will consider annexation when petitioned by property owners. If development occurs outside Town boundaries in this area, the Town wishes to work with other jurisdictions that are considering land development projects.

The Town of Millville recognizes that the Town of Ocean View's comprehensive plan includes the area south of Burbage Road and east of Substation Road as an area of potential annexation, an area also within Millville's area of concern. The Town of Millville has entered into a memorandum of understanding with the Town of Ocean View on how the two towns will coordinate on development issues within this area.

The Town of Millville is also interested in developing an MOU with Sussex County to agree on a method of coordinating on development projects under the County's jurisdiction within Millville's area of concern.

There are several areas in and around Millville where there are parcels and/or subdivisions split by jurisdictional lines. These areas include the Murray's Haven subdivision and adjacent lands along Route 26, the Lord Baltimore Elementary School, and Country Estates. The Town of Millville needs to work with property owners in these areas, the Town of Ocean View and Sussex County to clarify and round out municipal boundaries so as to eliminate any jurisdictional confusion in these areas.

Process for Annexation into Millville

The Town of Millville's annexation process is provided for in the town's charter and further governed by Title 22, Chapter 101, Section 101 of the Delaware Code. Millville's town charter provides for three methods for an annexation to occur. First, if all the property owners of an area adjacent to Millville's limits petition the town for annexation then the mayor will appoint a committee to investigate the possibility of annexation. If the committee finds the annexation to be advantageous to the town and the petitioners then the town council may, with a 2/3 vote, pass a resolution to annex the territory. The second method for annexation occurs when less than all the property owners (but more than 5) of an area adjacent to Millville petition the town for annexation or when a potential annexation under the first method is found to be disadvantageous. As above, the mayor appoints a committee to study the proposed annexation. If the annexation is found to be disadvantageous then the council may, with a 2/3 vote, schedule a public hearing on the annexation. If the annexation is determined to be advantageous then a public hearing is

scheduled. The public hearing is followed by a special election to vote on the approval of the annexation. A majority vote in favor of the annexation results in the annexation of the proposed area into the town. The final method of annexation applies to territory exempt from taxation. Upon petition of the property owner, the town council may approve the annexation with a 2/3 vote if the annexation is determined to be advantageous or with a 3/4 vote if the annexation is determined to be disadvantageous.

Title 22, Chapter 1, Section 101 of the Delaware Code requires that annexations conform to four additional provisions. First, the annexation must be consistent with the town's most recently adopted comprehensive plan inasmuch as the potential annexation area is shown as an area for future annexation in the adopted plan. Next, the town must prepare a plan of services that will be provided to the annexed area detailing how these services will be provided and the capabilities of the town to provide such services. Also, the annexed area must be rezoned to a classification consistent with the town's adopted comprehensive plan. Finally, the town must notify the state and all affected jurisdictions of the proposed annexation, conduct a public hearing, and allow for a comment period of at least 30 days before formal annexation.

Recent Annexations

The Town of Millville has had two annexations in recent years. In December 2001 the Town annexed 12 acres in the Denton Mills subdivision and the 111-acre Dove Landing. At the time it was annexed, sewer infrastructure was not available for the project. Recent planning on the part of Sussex County has been able to accommodate this area within the Millville sewer area.

The state opposed the annexation of Dove Landing when it was reviewed through the Land Use Planning Act process in the summer of 2000, because it would create an enclave and because of the lack of the context of a comprehensive plan. The letter, dated August 21, 2000, stated, "The State urges the Town to consider beginning a comprehensive plan and determining how it 'wants to grow' before approving this application for annexation/rezoning." Additionally, the Town did not coordinate with Sussex County regarding the need for sewer on this property. Therefore, the Dove Landing Area was not included in the sewer study area for Millville.

Since this annexation, the Town has begun the process to develop a comprehensive plan, and has begun to coordinate with Sussex County on issues relating to sewer, not only in Dove Landing, but town-wide.

Future Annexation

The Town of Millville is aware of the rapid growth occurring around it and of the recent expansion of the neighboring Town of Ocean View. The Town is conscious of the need to keep its own identity in the midst of this growth, and recognizes that annexation may be one tool they use to do this. The Town realizes that annexation is an important tool to help shape the land use in the area surrounding the current town boundary. The Town has identified an annexation area

within which the Town would like to consider annexations. It is also within this area that the Town would like to coordinate with the County on any land use decisions under the County's jurisdiction.

When the Town adopted its Comprehensive Plan in October 2003, there were several criteria listed under which annexation would be considered. The Town has worked diligently in recent months to meet these criteria in order to be ready to annex. The Town has hired a town manager and adopted a subdivision ordinance. The Town has also been coordinating with Sussex County on sewer issues in the annexation area surrounding the town.

The Town is working with a developer to master plan Millville Township, which comprises more than 800 acres of the land within this annexation area. They anticipate a town center, mixed density residential, open space and other amenities for the future residents. At build-out, the project would include approximately 3,000 residential units and 500,000 square feet of commercial/retail space. As shown on Map 7a, the Master Planned Community includes more than 880 acres of land. Within this area, the majority of land is under contract by the developer. There are several inholdings in this area, including an equestrian center and an active farm. These sites will be integrated into the design of Millville Township.

Much of the other land that will be considered for annexation would be developed residentially. The corner of Route 26 and Route 17 is currently developed commercial, and if annexed into town, it is anticipated that it would remain commercial. Other areas along Route 26 would also be annexed as commercial property. Several of the deeper parcels along Route 26 west of the Town limits are shown on Map 7a as commercial/residential. The Town anticipates that these would be developed as either commercial, residential, or as a mixed use.

The entire annexation area consists of approximately 1,877 acres. The Town recognizes that this is a significant area and that phasing needs to take place as land is annexed. The annexation area can be divided into three sub-areas around the town: the area to the south, the area to the north, and the area to the east. The immediate priority for annexation is land south of town comprising the Millville Township area and the parcels necessary to make this area contiguous to the Town boundary. While this land would be a priority for annexation, the Town and developer have discussed a build-out time frame for the project of between ten and 20 years. The next priority for annexation is the lands east of town. The Town has had many inquiries from landowners within the enclave area between Ocean View and Millville. Most of this area is already developed. Other annexations within the annexation area would be considered as requested by landowners.

The Town recognizes that annexation is a voluntary action taken by landowners, and that it is likely that much of the land within this annexation area will not annex into the Town of Millville. Additionally, much of the land north of town within the annexation area

In determining the potential build-out of the entire annexation area, the acreage of all parcels greater than 5 acres was totaled for each of the land use categories on Map 7a. The area making up Millville Township, including the inholding areas, consists of approximately 882.5 acres. At

an average density of 4.5 units per acre, this would allow about 3,971 units (although, the developer has indicated the intent to develop only 3,000 residential units). The land reflected as residential includes about 525.5 acres. Windmill Townhomes, a 37.88-acre site within this area has been approved in Sussex County as a Residential Planned Community. By removing this acreage, and using 487.6 acres, at an average density of 4.5 units per acres, this would allow for about 2,194 units. The area shown as commercial/residential includes about 30 acres, include a 7.7-acre mobile home park that could be redeveloped if annexed into Town. At an average density of 4.5 units per aces, this would allow for about 135 units. In total, if all of the parcels greater than 5 acres in the annexation area were annexed into the Town of Millville and developed, the Town would have a potential to see 6,300 new units in the future. There are parcels smaller than 5 acres in the annexation area which could allow for some additional development, but this analysis of larger parcels provides a framework within which to think about the future amount of new development in Millville.

This is a significant amount of land and potential housing units, in addition to the land within the Town that is in some phase of the development process. The Town realizes that as land is annexed and development requests come forward that staffing and services will need to be increased to meet the demands of the new residents. Specifically, the Town is considering hiring a planning consultant to review development proposals. The Town is also planning to hire a consultant to review its ordinances.

As the land to the south of Millville, specifically the land comprising the proposed Millville Township, is a priority for annexation, it is important that the Town work closely with DelDOT to implement measures restricting development along Burbage Road to accommodate planned road improvements.

The availability of sewer is an issue that has significant impact on the annexation and development of land in and around Millville. As the *Wastewater Infrastructure* section details, Sussex County provides sewer to Millville and the surrounding area. For areas inside of the “Area of Concern” depicted in Millville’s October 2003 comprehensive plan, Sussex County’s sewer planning has allocated Millville’s permitted density of 6 EDU/acre, while outside of the “area of concern” the County has allocated sewer capacity based on a density of 4 EDU/acre. As annexation and development proposals move forward, the Town of Millville and developers will need to work with Sussex County Engineering to ensure that sewer planning and land use planning efforts coordinate.

Specific Goals/Objectives

1. **Goal:** To ensure a sufficiently high quality of life for current and future residents of Millville.
 - 1.1 **Objective:** To enable the adequate provision of services such as central water and wastewater systems and police services.
 - 1.2 **Objective:** To coordinate with the appropriate State, County, municipal, and private agencies and service providers to deliver quality services to the residents of Millville.

2 Goal: To grow in a manner consistent with current town values.

2.1 Objective: To manage future development in a manner that promotes the quality of life desired by the residents.

3. Goal: To protect the environmental quality of resources located within Millville and in the surrounding area.

3.1 Objective: To promote future development that seeks to minimize adverse affects on the Indian River Bay Watershed and other nearby environmental features.

4. Goal: To provide for and protect existing open space areas within the community.

4.1 Objective: To promote the continued existence of current open spaces areas and the provision of open space areas in future developments for both recreational and aesthetic purposes.

5. Goal: To target development in areas where services can be provided at the least cost and in the shortest time possible.

5.1 Objective: To promote the annexation of appropriate areas adjacent to the existing town boundaries that will be serviced by central water and wastewater systems in the near future.

Recommendations

Work with the Town of Ocean View and Sussex County to ensure that development that occurs within the area of concern is compatible with the character of Millville

The Town will participate in the land use decision processes in Sussex County and neighboring Ocean View to stay informed on development surrounding town and to provide input where issues impact Millville residents.

Continue working on master plan for Millville Township, south of the current town

The Town of Millville has an opportunity to work with developers to master plan a large area south of town. A master plan will allow the Town to address the cumulative impacts of the development and to provide a true community as an extension of the existing town. Master planning can address such issues as vehicular and pedestrian connectivity, location and interconnection of open space, preservation of natural and cultural resources. The new community would be built at a pedestrian scale and offer benefits to the Town. In working with the developer on this project, the Town will also need to coordinate closely with Sussex County engineering to ensure that the County sewer is available to serve the project.

Regularly review ordinances and services to ensure that Town services reflect growing needs

As Millville grows, it will be important for the Town to review its ordinances and to review the services it provides to ensure that the Town keeps pace with services demanded by growth. Specifically, the Town will need to address the issue of police protection as new residents and commercial entities come on line.

Hire a consultant to provide planning guidance

As annexation and development proposals come in, the Town will need to hire the expertise that it needs to review development proposals. The cost of such a consultant should be passed on to the developer or landowner requesting annexation or development approvals.

Coordinate with Sussex County and Ocean View regarding annexation and development proposals within the annexation area depicted on Map 7a.

Adhere to the Memorandum of Understanding between Millville and Ocean View defining how the towns will coordinate with each other on annexation and development requests where annexation areas. A Memorandum of Understanding with Sussex County would define coordination on development activity within the area of concern, as well as sewer issues.

Work with Sussex County, the Town of Ocean View and property owners to round out municipal boundaries.

In areas where the municipal boundaries of Millville and Ocean View create enclaves and other areas of jurisdictional confusion, the towns should work together and with Sussex County and relevant property owners to adjust the municipal boundaries to eliminate such confusion.

As land is annexed, ensure that necessary services can be provided to annexed lands

According to Title 22, Section 101, Del. Code, the Town must complete a plan of services prior to annexation of land. Because the Town of Millville does not provide most of the utilities and services necessary to serve the annexed land, it is important that the Town notify service providers about the annexation and allow for comment from these providers. Providers include: water, sewer, electric, fire protection, police protection, emergency medical services, schools, and other services. As a part of the plan of services, the Town is required to obtain letters from Sussex County regarding sewer, Tidewater Utilities regarding water, and the relevant electric provider, stating their ability to provide service to the annexed land.

D. Provision of Utilities, Community Facilities and Services, and Transportation

Wastewater Infrastructure

The Town of Millville (with a few exceptions) is currently not on a central water or wastewater system. Most of the residences and businesses within the Town draw their water from private wells and utilize on-site septic systems. At the public workshop held in October 2002 and in the questionnaire of town residents, central water and sewer were among the top issues raised by Millville residents.

The Town is in Sussex County's Millville sewer area. An expansion of the Bethany Beach Sanitary Sewer District was approved by Sussex County Council on September 23, 2003 to include the Millville, North Millville and Holts Landing service areas. There are no plans for Sussex County to build the sewer in the area until June 2008, although development in the area could bring sewer infrastructure ahead of schedule. The study allocates capacity to the Town of

Millville and the portions of its annexation area within the Study to support build-out of the Town at the current zoning.

Food Lion and areas east of Food Lion along Route 26 currently receive sewer service. With some of the development occurring north of Millville, it is possible that developer-funded improvements to the sewer system could bring sewer to Cedar Drive two or three years earlier than June 2008. The timing of this will depend upon the timing of the private development activities in Sussex County that would make this happen. As a part of the Dove Landing project, the developer will run the sewer line along Route 26. The timing of this development project could speed up the availability of sewer infrastructure town-wide. Other potential development within the Town could also result in having some of the sewer infrastructure in place ahead of the anticipated June 2008.

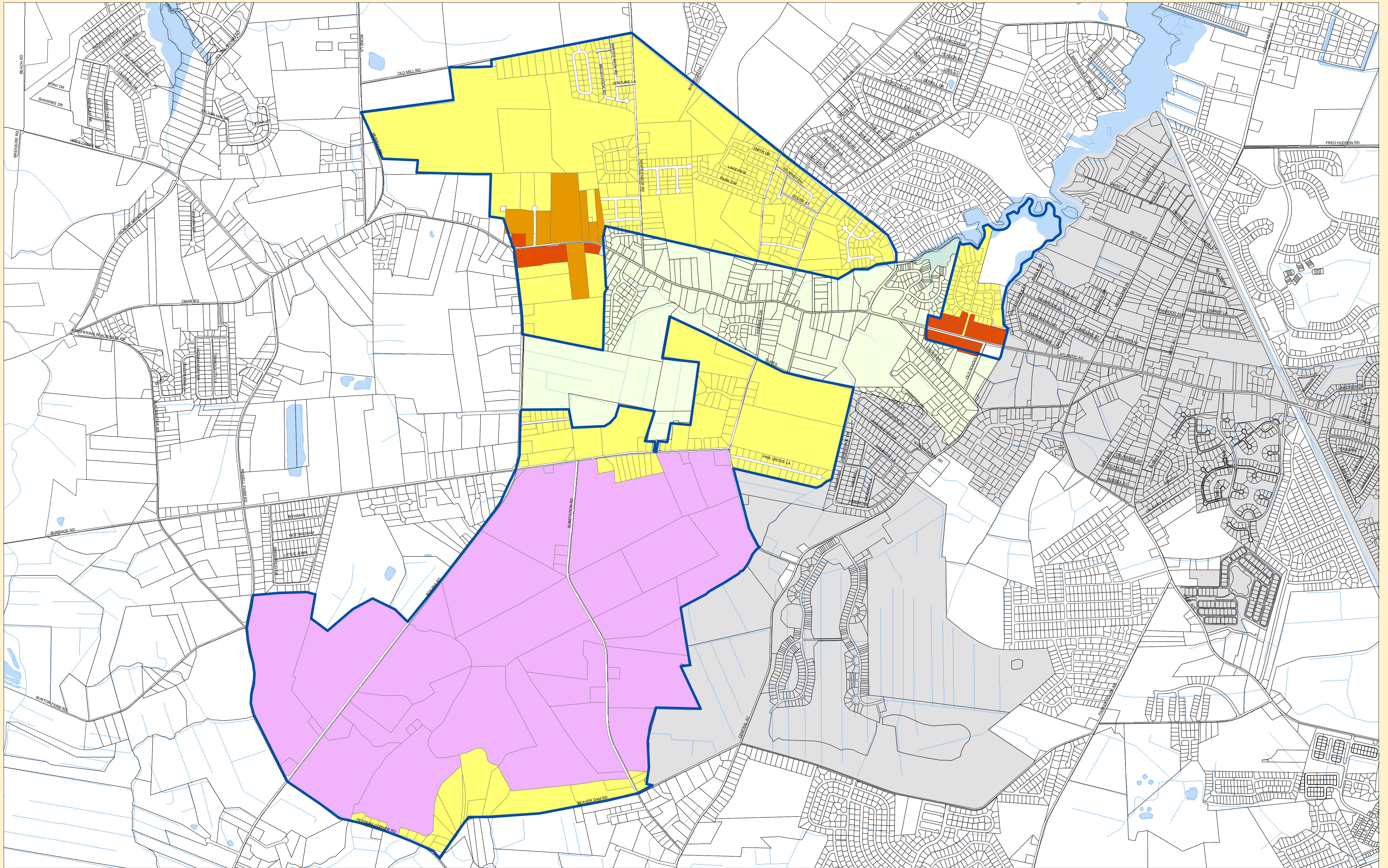
Dove Landing was annexed into Millville in December 2001 without the proper coordination with Sussex County. This area was therefore, left out of the Millville Planning Area. Recent communications between the Town of Millville and Sussex County have made progress toward resolving this issue, and now Dove Landing will be included in the Millville sewer area.

Expansion of the town, particularly to the south and southwest, will be handled as part of the Beaver Dam sewer area. Planning for this area is underway, as a part of the South Coastal Area Planning Study (SCAPS). Sewer infrastructure in this area will be primarily developer-funded to serve several development priority projects currently under consideration. Map 9 shows the location of the Beaver Dam and Millville sewer service areas as currently in the SCAPS. Other sewer service areas are shown on the map in gray.

*All recommendations listed in the October 2003 *Town of Millville Municipal Development Strategy* are still relevant. Only the one related to wastewater is listed below.

Coordinate Closely with Sussex County on sewer issues

Since Sussex County is the sewer authority in the Town of Millville and surrounding area, the Town will need to coordinate closely with the County as development proposals in need of sewer are considered. The subdivision ordinance should require that availability of sewer be demonstrated before a project is approved. The Town will also need to work with Sussex County on the expansion of sewer to the current town, which is anticipated to happen in 2008. As the Town reviews annexation proposals, it will also be important to get concurrence from Sussex County that sewer is available to meet the needs of the annexed land.



- Annexation Area**
- Future Land Use**
- Commercial
 - Commercial/Residential
 - Master Planned Community
 - Residential
- Town of Millville**
- Town of Ocean View**
- Rivers, Lakes, and Ponds**
- Roads**

Town of Millville, Delaware

Map 7a. Annexation Area

0 325 650 1,300 1,950 2,600 Feet

May 2004



Sources:

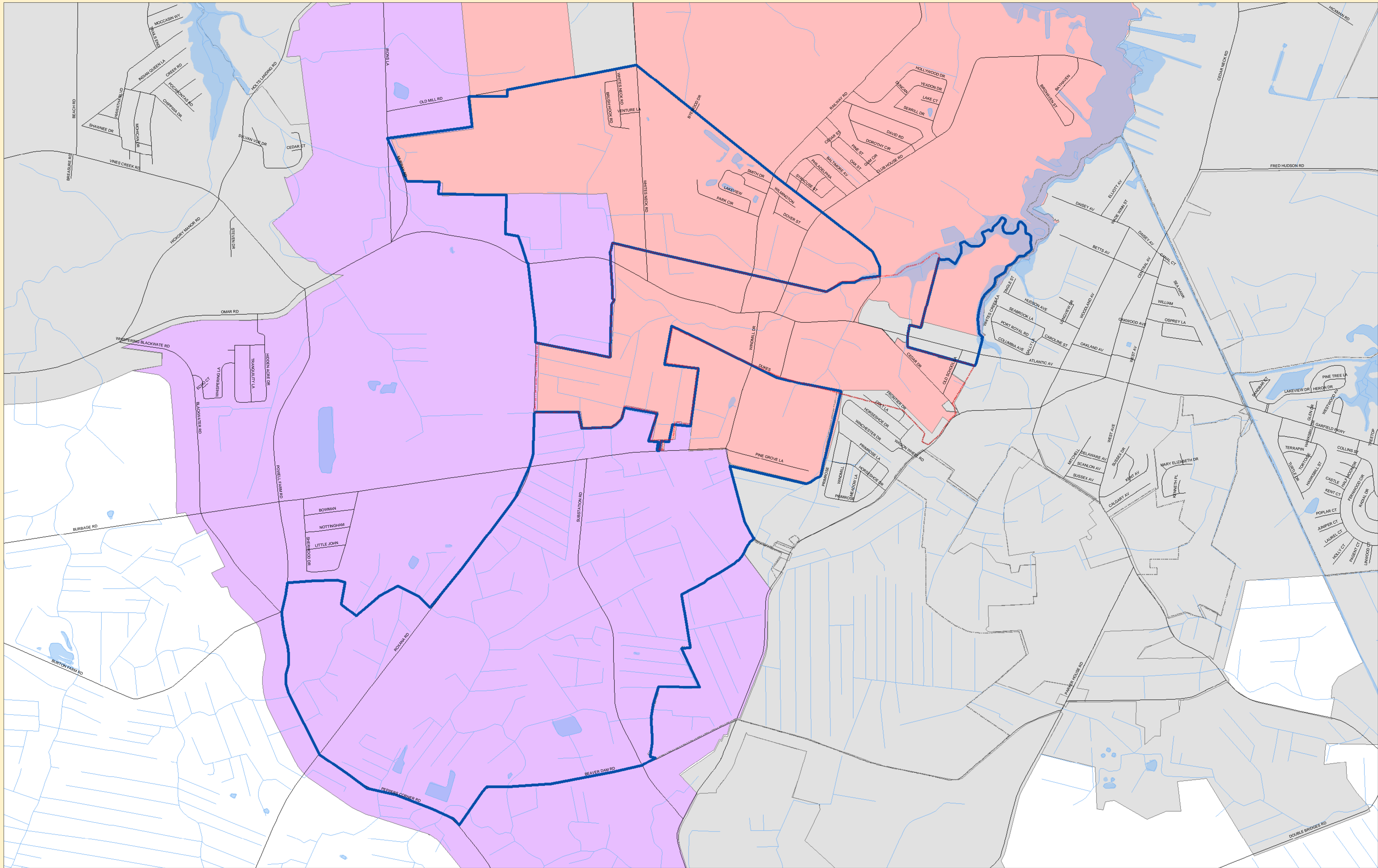
DRAFT Parcel - Parcels for Sussex County are being developed by Thompson Mapping and have not gone through a final review process, 2002.

Base map - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).

Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

Note:

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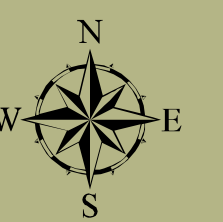


Legend

- Town of Millville
- Annexation Area

Sanitary Sewer Districts

- BEAVER DAM SSD
- MILLVILLE SSD



Town of Millville, Delaware

